

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

VERNETTA MCCREE

V

NORTHERN ILLINOIS GAS COMPANY

d/b/a NICOR GAS COMPANY

Complaint as to inaccurate)
billing in Riverdale, Illinois.)

Chicago, Illinois

November 9, 2015

Met pursuant to notice at 10:00 a.m.

BEFORE:

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MS. VERNETTA McCREE

MR. JOSEPH MCCREE

PO Box 633

Dolton, Illinois 60419

appeared pro se;

MR. PAUL PADRON

400 South County Farm Road

Suite 200

Wheaton, Illinois 60187

appeared for Respondent.

SULLIVAN REPORTING COMPANY, by

Teresann B. Giorgi, CSR

084-000977

1		<u>I</u>	<u>N</u>	<u>D</u>	<u>E</u>	<u>X</u>			
2							Re-	Re-	By
3	<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>dir.</u>	<u>crx.</u>		<u>dir.</u>	<u>crx.</u>	<u>Examiner</u>
4	NONE								
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9		<u>E</u>	<u>X</u>	<u>H</u>	<u>I</u>	<u>B</u>	<u>I</u>	<u>T</u>	<u>S</u>
10	<u>APPLICANT'S</u>	<u>FOR</u>	<u>IDENTIFICATION</u>					<u>IN</u>	<u>EVIDENCE</u>
11	NONE								
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1 JUDGE RILEY: Pursuant to the direction
2 of the Illinois Commerce Commission, I call
3 Docket 15-0475.

4 This is a complaint by Vernetta McCree
5 versus Northern Illinois Gas Company, d/b/a Nicor
6 Gas as to inaccurate billing in Riverdale, Illinois.

7 And, at this time, Ms. McCree, you're
8 still appearing without an attorney, is that
9 correct?

10 MS. MCCREE: Yes.

11 JUDGE RILEY: And the service address that
12 you're complaining about is 463 West 144th Street
13 in Riverdale, Illinois?

14 MS. MCCREE: That's correct.

15 JUDGE RILEY: Thank you.

16 Mr. Padron, would you enter an
17 appearance for Nicor?

18 MR. PADRON: Paul Padron, P-a-d-r-o-n, for Nicor
19 Gas. My address is 400 South County Farm Road,
20 Suite 200, Wheaton, Illinois 60187. My direct line
21 is 630-344-6529.

22 JUDGE RILEY: Thank you.

1 And can the parties -- where are we on
2 this? At the last meeting, the end of September, I
3 understand there was an allegation that there were
4 leaky pipes. And, Mr. Padron, you had explained
5 that the pipes leading into the residence are
6 Nicor's -- that the pipes from the meter to the
7 building are the Complainant's responsibility.

8 MR. PADRON: Correct.

9 JUDGE RILEY: Everything else would be Nicor's.

10 MR. PADRON: Correct.

11 JUDGE RILEY: And you were going to explain the
12 billing and procedures to the Complainant.

13 MR. PADRON: Right. So, I got all the material
14 together, which I provided to Complainant on
15 October 23rd. And when I say "material", I provided
16 them with an account statement showing all of the
17 charges, all payments incurred. And I highlighted,
18 you know, the payments versus the charges.

19 I also had Nicor go out to the
20 property at issue to check again for any gas leaks
21 with Nicor lines. They did not find any gas leaks.

22 And then another issue that the

1 Complainant had brought up the last time that we
2 were here, Judge, is that there was some property
3 damage to -- I believe it was a parking lot or a
4 driveway outside of the property where Nicor had
5 worked on previous gas leaks.

6 JUDGE RILEY: Right.

7 MR. PADRON: They still hadn't repaired the
8 area. I asked Complainant for pictures. I didn't
9 receive any pictures. But I did ask Nicor to go out
10 to the facility and they did issue a work ticket to
11 repair any damages at the scene. But I don't know
12 at this time if those repairs have been made.

13 And the last that I heard from
14 Complainant, I received an e-mail on Friday asking
15 that the meter at issue be tested and replaced.

16 And that's where we're at.

17 JUDGE RILEY: Was the meter, in fact, tested?

18 MR. PADRON: No. We have not moved the meter
19 yet. One of the questions that I wanted to discuss
20 today with the Complainant was whether or not they
21 just wanted Nicor to remove and test it themselves
22 without the ICC to oversee it, which is fine.

1 It's really up to you guys if you want
2 the ICC to monitor the testing and then they'll
3 issue a report. That's fine, too. But, that's up
4 to you guys. You guys would have to make the
5 request of the ICC. You would have to pay for it.
6 It's less than \$10.

7 JUDGE RILEY: It's a nominal charge.

8 MR. PADRON: It's a nominal charge.

9 MS. MCCREE: Okay.

10 MR. PADRON: If it comes back that there's
11 something wrong with the meter, obviously, you know,
12 we would reimburse you that charge for the ICC to
13 oversee the testing and, obviously, we'd make any
14 proper edits -- credits and so forth to the gas
15 usage, again if there is something found wrong with
16 the meter.

17 MR. MCCREE: Yes, we want to request the ICC
18 oversee the testing of the meter and we'll pay that
19 minimal charge.

20 JUDGE RILEY: Okay. I just need you to please
21 identify yourself.

22 MR. MCCREE: I'm Joseph McCree.

1 JUDGE RILEY: And you are the Complainant's
2 husband?

3 MR. McCREE: Yes.

4 MS. McCREE: Building owner. He owns the
5 property.

6 JUDGE RILEY: He is the owner of the property.

7 MS. McCREE: He is the owner of the property.

8 JUDGE RILEY: And the account is in your name,
9 is that correct?

10 MS. McCREE: Uhm-uhm.

11 JUDGE RILEY: All right. Well, that would be
12 the next step then, would be to get the meter
13 tested.

14 And, I'm sorry, did you say that you
15 wanted the Commerce Commission to be there?

16 MS. McCREE: Yes.

17 MR. McCREE: Right.

18 MR. PADRON: That's fine. That's fine.

19 JUDGE RILEY: I have in my notes that counsel
20 was going to find out about the parking lot.

21 Where does the -- you said that the
22 parking lot was dug up?

1 MR. McCREE: Yes.

2 JUDGE RILEY: Now, this is -- who's parking --

3 MR. McCREE: I own the parking lot.

4 JUDGE RILEY: And this was next to the --

5 MR. McCREE: It was in the back parking lot.

6 They dug it up.

7 I didn't show you the pictures?

8 MR. PADRON: No.

9 MR. McCREE: Okay. They dug it up. And what

10 they've done so far was re-tarred it. I have a

11 concrete parking lot. So, that's what I was hoping

12 that they would do was come back with the concrete,

13 the way that it originally looked.

14 MS. McCREE: The asphalt will come up in the

15 winter.

16 MR. McCREE: Right.

17 MS. McCREE: This lot is plowed. It will be

18 plowed. It's plowed every winter and that stuff

19 will just be coming up.

20 MR. PADRON: Okay. I'll certainly look at the

21 photos you have here. If you could actually produce

22 them to me, actually send them to me --

1 MR. McCREE: Okay.

2 MR. PADRON: -- that would be extremely helpful.

3 MR. McCREE: All right.

4 MR. PADRON: And then I know that the work

5 ticket was issued by Nicor to repair the parking

6 lot. I haven't heard what work they've done since

7 then. I will find out obviously before the next

8 time we meet. But, those photographs will help.

9 MR. McCREE: Right.

10 See, it's concrete. And what they've

11 done, they just put black tar down where you had dug

12 up (tendering.)

13 MR. PADRON: All right. We'll just have the

14 record reflect that Mr. McCree has handed me his

15 cell phone with a photograph of what appears to be

16 two Nicor employees working with a backhoe. They're

17 certainly working on something, but -- can I ask you

18 when was this picture taken?

19 MR. McCREE: Yes. It should be on it? If not,

20 I can show you.

21 MR. PADRON: Yeah (tendering).

22 MR. McCREE: Yeah, that's another one

1 (tendering). And then I can --

2 MR. PADRON: All right. So, again, he's showing
3 me another picture of an excavated area.

4 Is this where they were working on the
5 leak?

6 MR. MCCREE: Yes. Right. That's where they
7 were working on the leak.

8 MR. PADRON: And then if you could tell me when
9 you took those photographs.

10 MR. MCCREE: Okay. Let's see --

11 JUDGE RILEY: So, it's my understanding that the
12 parties still have a number of matters to work out.

13 MR. MCCREE: Yes.

14 MR. PADRON: Yeah, I would like to find out
15 exactly what Nicor -- have they been out there since
16 we met last time?

17 MS. MCCREE: Yeah, they put the blacktop down.

18 MR. PADRON: They put the blacktop down.

19 Do you know when that was?

20 MR. MCCREE: It took them a few days because
21 they first came out and they filled it in with dirt.
22 And then the only thing they did was like put black

1 tar down. And I was saying, Why are they putting
2 tar down? They need to be pouring concrete.

3 MR. PADRON: Do you have photographs of the tar?

4 MR. McCREE: No.

5 MS. McCREE: No, but we can go back and get
6 them. I'll get them to you.

7 MR. PADRON: So, if you could --

8 MR. McCREE: Okay.

9 MR. PADRON: You don't know when those pictures
10 were taken, though?

11 MR. McCREE: I'm looking. I don't see the date
12 on here.

13 MS. McCREE: It had to be in June -- May.

14 MR. PADRON: May or June of this year?

15 MS. McCREE: Uhm-uhm.

16 MR. McCREE: Yeah.

17 MS. McCREE: They came out 5-22, 6-9 and 6-16.
18 So, it had to be one of those days that they --

19 MR. McCREE: Because they came out two or three
20 times.

21 MS. McCREE: Because they dug up the lot.

22 MR. McCREE: Right. Because they dug it up

1 initially in May and then they came out --

2 MS. McCREE: Two times in June.

3 MR. McCREE: -- two other times.

4 MS. McCREE: 6-9 and 6-16.

5 MR. McCREE: Right.

6 MR. PADRON: All right. So, it's one of those

7 two dates.

8 If you can't find it on your phone,

9 and you can let me know, I would appreciate that.

10 And, certainly, please, send me the photographs.

11 MR. McCREE: Okay. We'll do that.

12 MR. PADRON: Electronically is fine. If you

13 want to send it to me hard mail, that's fine.

14 MR. McCREE: Okay.

15 MR. PADRON: And then if you could please take

16 some photographs of the repairs that have been made

17 and send that to me as well.

18 MR. McCREE: No problem.

19 MR. PADRON: And then in the meantime I will see

20 what Nicor -- what their report is in terms of the

21 work that they did. And then I'll let them know

22 that you guys want to have the ICC monitor the

1 testing. So, we'll do that as quickly as possible.

2 Again, there is a formal procedure
3 that you guys have to ask the ICC. So, the sooner
4 you guys do that, the sooner we can get the test
5 done.

6 MS. McCREE: Okay.

7 JUDGE RILEY: Anything further?

8 MR. PADRON: I'm good on my end. If there's
9 anything else, Mr. and Mrs. McCree?

10 MR. McCREE: All right. So, we're going to do
11 the meter. We need to coordinate that with the ICC.

12 MR. PADRON: Correct.

13 MR. McCREE: And we need to send the pictures.

14 MR. PADRON: Of the ones that you showed me on
15 the phone and --

16 MR. McCREE: Previous and present.

17 MR. PADRON: Right. And then present, right,
18 the repairs. If you could provide me with the dates
19 of the photographs that were taken, that would help
20 a lot as well.

21 MR. McCREE: Okay.

22 JUDGE RILEY: All right. All we need is another

1 date then. Let's do one more status on this thing.

2 It's going to take us into December.

3 MR. PADRON: Honestly, with the meter testing,
4 we'd probably would want to go into January, I'm
5 thinking.

6 JUDGE RILEY: You think it's going to take that
7 long?

8 MR. PADRON: I mean, I'd rather -- I would
9 rather set it at a longer date just to give us the
10 time -- I mean, unless you guys --

11 MR. MCCREE: No, we're with you.

12 MR. PADRON: January is okay?

13 MR. MCCREE: Yeah.

14 And then we really need to coordinate
15 it. Because we're going to have to take the meter
16 out, I'm going to have to shut the gas off to the
17 building.

18 MR. PADRON: Yeah.

19 MR. MCCREE: So, that's going to mean no heat.

20 MR. PADRON: Well, we'll make sure that the
21 meter is replaced on the same time that they --

22 MR. MCCREE: Snatch the other one out.

1 MR. PADRON: -- take the other one out.

2 MR. MCCREE: Okay. So, we need to coordinate

3 that.

4 MR. PADRON: Yeah. And we'll coordinate that.

5 So, we're not going to have any of your residents

6 without -- or the building without heat.

7 MR. MCCREE: Okay.

8 MR. PADRON: It looks like the second week of

9 January, the week of January 11th through the 15th,

10 any of those days work for me. Are you guys out

11 that week?

12 MR. MCCREE: That's her birthday, January 14th.

13 MS. MCCREE: And I don't plan on being in town

14 that week.

15 MR. PADRON: Okay. We can do the week before,

16 except the 4th and 5th I'm occupied, but the 6th or

17 7th or the 8th or even the week after.

18 MR. MCCREE: Let's go the week after.

19 MS. MCCREE: The 17th through the 20th.

20 JUDGE RILEY: Okay. I'm confused.

21 You're talking that the 4th and the

22 5th are out.

1 MR. McCREE: Yeah. And the 14th is out for her,
2 that week, because that's her birthday.

3 JUDGE RILEY: Right. So, the whole week is out?

4 MR. McCREE: Yeah.

5 MS. McCREE: I'm going out of town.

6 JUDGE RILEY: Oh, okay. What about the 6th or
7 7th?

8 MR. PADRON: That's fine with me.

9 MS. McCREE: The 6th or the 7th?

10 MR. PADRON: That would give us just shy of two
11 months to get this done.

12 MS. McCREE: I'm not opposed to that.

13 MR. McCREE: Unless you want to go the following
14 week.

15 JUDGE RILEY: Again, that's the week she's out.

16 MR. McCREE: No, the 17th.

17 JUDGE RILEY: Okay. Monday the 18th.

18 MR. McCREE: Let's do the 17th.

19 MS. McCREE: The 18th is a Monday.

20 MR. McCREE: The 18th is Monday.

21 MS. McCREE: The 17th is Sunday. The 18th is
22 Monday.

1 MR. McCREE: Well, let's do the 19th.

2 MR. PADRON: The 19th is fine, if that's okay

3 with the Judge.

4 JUDGE RILEY: 19th, yes, I'm open.

5 MR. McCREE: What day is the 19th?

6 MR. PADRON: It's a Tuesday.

7 MS. McCREE: Tuesday.

8 MR. McCREE: Okay. That's fine.

9 MR. PADRON: Will that be at the same time,

10 Judge?

11 JUDGE RILEY: Yes.

12 MR. PADRON: All right.

13 JUDGE RILEY: 10:00 a.m.

14 I'll take the weather into account at

15 that point.

16 MS. McCREE: Did you say 10:00 a.m.?

17 JUDGE RILEY: 10:00 a.m., right.

18 MS. McCREE: Okay.

19 JUDGE RILEY: It gives us well over two months.

20 You should be able to get quite a bit accomplished

21 even with the holidays and everything.

22 MR. PADRON: I would hope by then that we would

1 have the report from the ICC as to their findings
2 regarding the test.

3 MS. McCREE: Right.

4 MR. PADRON: And, obviously, we'll have the
5 photographs. And I'll make sure that, you know, we
6 get the repair situation on the property -- on the
7 parking lot taken care of.

8 So, hopefully, by the next meeting
9 we'll be able to either settle this thing or if we
10 need to proceed to evidentiary hearing, we can set a
11 date for the evidentiary hearing.

12 JUDGE RILEY: We have plenty of time to work on
13 it.

14 MR. PADRON: Yes, we do.

15 JUDGE RILEY: All right. Then, if there is
16 nothing further, I will continue this matter for
17 status to January 19, 2016, at 10:00 a.m. We'll
18 reconvene at that time and see where we are.

19 Thank you very much.

20 (Whereupon, the matter was
21 continued to January 19,
22 2016, 10:00 a.m.)